

REMARKS:

Claims 3-5 and 10 are in the case and presented for consideration.

New claim 10 has been drafted to include the subject matter of canceled claims 1 and 2.

Claim 1, 2 and 4 have been rejected as being fully anticipated by U.S. Patent 5,657,370 to Tsugane et al., and claims 3 and 5 been rejected as being obvious from Tsugane taken in view of U.S. Patent 6,370,362 to Hansen et al.

In considering the structure of the hinge according to the now canceled claim 2, the Examiner holds in the Action at page 3:

"Regarding **claim 2**, according to claim 1, Tsugane, et al., further discloses:

- the said first and second member being respective transmitter and receiver of a portable phone. See column 4 lines 48 to 60 and FIGURE 5;
- each said slider (8) comprising a slider case, each said guide groove being a ball bearing slidably and rotatably mounted to one side of the said slider case in an engaging condition and in a protruding condition, the resilient means interposed between said hinge case and receiver. See column 4 lines 48 to 60 and FIGURE 5 and 3B"

However, none of the "slider case", "ball bearing" and "resilient means" etc. is disclosed in the indicated passages of the cited reference.

Further the Examiner states on page 6 of the Action under "**Response to Arguments**" and again with reference to claim 2:

"Regarding *claim 2* the applicant argues that the cited prior art of Hansen fails to support a pair of hinge device. The Examiner respectfully maintains that Hansen clearly teaches of this feature in FIGURE 5."

However, again no such matter is taught in Fig. 5 of Hansen. It is true that in Fig. 13 of Hansen, a structure similar to canceled claim 2 of the present application is taught, as tube-shaped members 64, 67 of a microphone connector 22, coil spring 68 and body 63. However, the structure is of a microphone connector according to Hansen, therefore it is not a hinge device 6 with a function like that of the claimed invention.

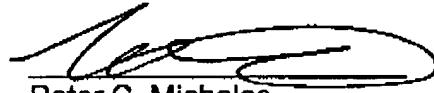
Additionally the teaching of Hansen does not include the ball bearing 11 and the receiver 12 for receiving the ball bearing 11, which both are, and were, features of the claimed invention. Hence the teaching of Hansen differs from the present invention also in terms of structure.

New claim 10 includes the components of old claim 2 has structure and a distinct operation and effect based on this structure is claimed, as compared with Tsugane and Hansen. Claim 10 is therefore believed to be has patentability.

Claims 3 to 5 further distinguish the present invention over the cited combination and are therefore likewise believed to be patentable.

By this amendment, thus, the application and claims are believed to be in condition for allowance and action is respectfully requested.

Respectfully submitted,



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